



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DESROY CLARKE,

Petitioner,

13 CIVIL 4812 (NSR)(JCM)

-against-

T. GRIFFIN, Superintendent of Eastern
Corrections Facility,

Respondent.

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JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated October 28, 2020, Magistrate Judge Judith C. McCarthy's R & R is adopted in its entirety. The petition for a writ of habeas corpus is therefore denied. As Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c)(2); Love v. McCray, 413 F.3d 192, 195 (2d Cir. 2005); Lozada v. United States, 107 F.3d 1011, 1017 (2d Cir. 1997), abrogated on other grounds by United States v. Perez, 129 F.3d 225, 25960 (2d Cir. 1997). The Court certifies pursuant to 18 U.S.C. § 1915(a)(3) that any appeal from the order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962); accordingly, the case is closed.

Dated: New York, New York
October 29, 2020

RUBY J. KRAJICK

BY:

Clerk of Court

K. Mangu
Deputy Clerk